

Plaintiff ABBVIE INC. (“Plaintiff” or “AbbVie”) files this Complaint against Defendants BEIGENE, LTD. (“BeiGene, Ltd.”); BEIGENE (BEIJING) CO., LTD. (“BeiGene (Beijing)”) (the preceding, collectively, “BeiGene”); HUAQING LIU (“Liu”); and DOES 1–10 (all defendants, collectively, “Defendants”) as follows.

1. This case involves the misappropriation of AbbVie’s valuable trade secret and confidential information regarding a type of medicinal chemical compound that AbbVie is currently developing as a cancer therapy, known as a Bruton’s tyrosine kinase (“BTK”) degrader (hereinafter “BTK degrader” or “BTKd”).

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rightly belong to AbbVie, and BeiGene has developed a BTK degrader compound (BGB-16673) based on AbbVie's trade secrets that is now in clinical trials.

3. Liu began working for AbbVie's predecessor, Abbott Laboratories ("Abbott"), in 1997. He continued working at Abbott until Abbott separated into two companies in 2013. At that time, AbbVie became an independent biopharmaceutical company comprising what had been the research-based pharmaceutical operations within Abbott. Liu joined AbbVie as a part of the corporate separation and remained an AbbVie employee until his announced "retirement" in September 2019.

4. Liu worked as a Senior Research Scientist on AbbVie's BTK degrader program from at least September 2018 until September 2019. Liu participated in frequent and regular discussions with AbbVie's BTK degrader team, including weekly status meetings, regarding confidential research, analysis of results, and anticipated research plans for these confidential BTK degraders. Liu participated in and received reports of the team's discoveries of the characteristics and properties of these chemical compounds impacting their pharmacological properties (*e.g.*, potency, oral bioavailability, efficacy, safety, pharmacokinetics, pharmacodynamics, and/or overall potential as new drug candidates). Liu also synthesized many of AbbVie's trade secret and confidential BTK degraders. Liu was thus privy to AbbVie's trade secret and confidential research, design, development, synthesis, testing, analysis, and data related to its BTK degrader program, including information that was created before Liu joined the BTK degrader program as well as the planned future direction of AbbVie's BTK degrader program.

5. At the time of Defendants' misappropriation, the AbbVie trade secret BTK degrader designs to which Liu was privy as an AbbVie employee were unknown outside of individuals with an obligation to AbbVie to maintain their secrecy. AbbVie entrusted Liu to

safeguard the secrecy of these trade secrets, and Liu was well aware that he was required to maintain their secrecy, both while an AbbVie employee and after his employment ended.

6. While Liu was still employed at AbbVie, BeiGene identified, targeted, and recruited Liu to leave AbbVie and work in BeiGene's competing BTK degrader program. BeiGene was interested in hiring Liu for reasons beyond his abilities as a scientist. BeiGene identified, targeted, and recruited Liu because of his access to and involvement in AbbVie's BTK degrader program, with the intention of obtaining AbbVie BTK degrader trade secrets and confidential information to materially advance and accelerate BeiGene's own competing BTK degrader program.

7. BeiGene's recruiting efforts were successful. In September 2019, Liu told AbbVie that he planned to "retire." In that same month, Liu departed from AbbVie, initiated his AbbVie retirement benefits, quietly relocated to Beijing, China, and surreptitiously started working at BeiGene (Beijing) as "Executive Director."

8. BeiGene enticed and encouraged Liu, in violation of his obligations of confidentiality that BeiGene knew he owed to AbbVie, to steal AbbVie BTK degrader trade secrets and confidential information, to disclose that information to BeiGene, and ultimately to use that information at BeiGene. As an Executive Director at BeiGene (Beijing), Liu acted on behalf of BeiGene in misappropriating AbbVie's BTK degrader secrets.

9. Within six months of Liu joining BeiGene, starting as early as March 2020, BeiGene, Ltd. filed the first in a series of BeiGene patent applications using and disclosing the AbbVie BTK degrader trade secrets and confidential information. Over the next two and a half years, BeiGene, Ltd. and BeiGene (Beijing) filed additional patent applications using and disclosing some of AbbVie's BTK degrader trade secrets and confidential information. In the

patent applications that BeiGene filed after Liu joined, the disclosed BTK degraders use—and in many respects are identical to—key aspects of the trade secret and confidential designs that AbbVie developed and tested in its BTK degrader program prior to Liu’s departure from AbbVie. These BeiGene patent applications incorporating certain of AbbVie’s BTK degrader trade secrets and confidential information started publishing on September 16, 2021.

10. The BTK degrader compounds disclosed and described in the BeiGene patent applications that were filed after Liu joined BeiGene are substantially different from the BTK degrader compounds disclosed and described in the single BTK degrader patent application that BeiGene filed before Liu joined BeiGene. The content of the patent applications filed by BeiGene post-hiring Liu make clear that BeiGene used AbbVie’s BTK degrader trade secrets and confidential information it knowingly misappropriated from AbbVie through Liu to materially change the course of its BTK degrader research program.

11. BeiGene, Ltd. and BeiGene (Beijing) not only knew or had reason to know that the patent applications used AbbVie’s BTK degrader trade secrets and confidential information, they also knew or had reason to know that filing the patent applications would result in the dissemination of AbbVie’s BTK degrader trade secrets once the applications published.

12. BeiGene is now conducting global clinical trials, including in the United States and China, of at least one BTK degrader compound (BGB-16673) that incorporates and/or is derived from AbbVie’s BTK degrader trade secrets and confidential information that BeiGene enticed and encouraged Liu to use and disclose to BeiGene. Adding to the competitive harm that BeiGene’s misappropriation of AbbVie’s BTK trade secrets and confidential information has caused AbbVie, BeiGene has sought and obtained fast-track status for BGB-16673 by the United States Food and Drug Administration, in further contravention of AbbVie’s trade secret rights.

13. Defendants' trade secret misappropriation has harmed and continues to cause great harm to AbbVie. Defendants' misappropriation and dissemination of AbbVie's BTK degrader trade secrets and confidential information have deprived AbbVie of its rightful sole and exclusive ownership and possession of its trade secrets, confidential information, and inventions. Justice demands that Defendants pay for what they have misappropriated from AbbVie.

THE PARTIES

14. AbbVie is a corporation organized and existing under the laws of Delaware with its principal place of business located at 1 North Waukegan Road, North Chicago, Illinois 60064.

15. Defendant Liu is an individual who lived and worked in this judicial district from at least 1997 when he commenced his employment with Abbott until at least September 2019 when he retired from AbbVie. During this more than 20-year period, Liu's place of employment was at Abbott and AbbVie's offices in North Chicago, Illinois. The AbbVie BTK degrader trade secrets and confidential information misappropriated by Liu were acquired by Liu while he was working at this AbbVie location in this judicial district. At all relevant times, Defendant Liu owned and has continued to own real property in this judicial district.

16. Defendant BeiGene, Ltd. is a company organized under the laws of the Cayman Islands with a registered agent at c/o Maurant Ozannes Corporate Services (Cayman) Limited, 94 Solaris Avenue, Camana Bay, Grand Cayman KY1-1108, Cayman Islands. BeiGene, Ltd. also has a Research and Development Center at 30 Science Park Road, Zhongguancun Life Science Park, Changping District, Beijing, China.

17. Defendant BeiGene (Beijing) is a company organized under the laws of the People's Republic of China with a Research and Development Center at 30 Science Park Road, Zhongguancun Life Science Park, Changping District, Beijing, China. BeiGene (Beijing) has over time also been known as BeiGene (Beijing) Biotechnology Co. Ltd. and Beijing BeiGene

Pharmaceutical Co., Ltd. These names are alternative English-language renditions of the same Chinese entity—百济神州（北京）生物科技有限公司. This is the BeiGene entity that directly employs Liu.

18. BeiGene, Ltd. wholly owns and controls BeiGene (Beijing), among other wholly owned and controlled subsidiaries.

19. Liu began to work for BeiGene in the same month that Liu took his retirement from AbbVie. BeiGene communicated with Liu in Illinois and recruited and hired Liu from Illinois, where Liu resided at the time of his recruitment and hiring by BeiGene, and BeiGene encouraged and induced Liu to disclose AbbVie's BTK degrader trade secret designs and information knowing he had an obligation to AbbVie to maintain their secrecy.

20. At present, AbbVie is ignorant of the true names and capacities of additional entities and individuals involved in the wrongdoing alleged herein, including the filing of patent applications disclosing AbbVie's trade secrets. Therefore, AbbVie sues them under the fictitious names DOES 1–10. While the complete list of wrongdoers and co-conspirators likely extends beyond the co-conspirators identified here, at least DOES 1–10 encouraged and induced Liu to disclose AbbVie's BTK degrader trade secret designs knowing he had an obligation to AbbVie to maintain their secrecy. AbbVie will amend to identify and state applicable claims, as appropriate, against additional entities and individuals as relevant information becomes available through investigation and discovery.

21. AbbVie alleges that at all relevant times, each and every defendant was the agent, servant, employee, joint venturer, partner, subsidiary, and/or co-conspirator of each other defendant, and that, in performing or omitting to perform the acts alleged here, each was acting individually as well as through and in the foregoing alleged capacity and within the course and

scope of such agency, employment, joint venture, partnership, subsidiary, and/or conspiracy, and every defendant ratified and affirmed the acts and omissions of the other defendants.

22. Each defendant, in taking the actions alleged here and/or ratifying the actions alleged here, acted within the course and scope of such agency and, at the same time, for personal financial and individual gain, as well as in the course and scope of such employment, acted as an alter ego therein.

23. Liu acted distinctly and independently from BeiGene as a co-conspirator to advance his own interests and those of the greater scheme while employed by AbbVie and before joining and becoming employed by BeiGene.

24. Whenever this Complaint refers to any actions of BeiGene, such allegations shall mean that the directors, officers, managers, employees, or agents of BeiGene, Ltd. and/or its subsidiaries, including BeiGene (Beijing), performed or authorized the alleged acts or actively engaged in the management, direction, and control of such entity and were acting within the course and scope of their employment.

25. Each of the co-conspirators referenced in this Complaint was an agent, conspirator, aider, or abettor of one or more of the other defendants.

26. The acts and omissions of each alleged co-conspirator were performed within the course and scope of that agency, conspiracy, aiding, or abetting.

27. At all relevant times, Defendants were each acting with one or more of the co-conspirators pursuant to a common scheme, course of action, enterprise, or conspiracy.

28. As used in this Complaint, the term “co-conspirators” refers collectively to all the named Defendants, including the DOE defendants.

JURISDICTION AND VENUE

29. This Court has original jurisdiction over this matter under 28 U.S.C. § 1331 because AbbVie asserts federal claims under the Defend Trade Secrets Act (“DTSA”), 18 U.S.C. § 1836, et seq.

30. This Court has general personal jurisdiction over Liu, who is an individual who currently owns real property in this judicial district and has for decades. Along with his real property ownership, Liu has paid and currently pays property taxes in this judicial district.

31. In addition, this Court has specific personal jurisdiction over Liu because Liu has created sufficient intentional minimum contacts with this judicial district resulting from his knowing theft of AbbVie’s BTK degrader trade secrets that were created and developed in this district. Liu chose to communicate and did communicate with BeiGene in this district, and allowed himself to be recruited and hired by BeiGene in this district, knowing or having reason to know that BeiGene intended to obtain AbbVie’s BTK degrader trade secrets and confidential information from Liu, in violation of Liu’s duty of confidentiality to AbbVie. Liu misrepresented his “retirement” intentions to AbbVie in this judicial district, and surreptitiously moved to BeiGene in China from this judicial district. Liu’s acts of misappropriation within this judicial district give rise, in whole or in part, to AbbVie’s claims of trade secret misappropriation. Specifically, Liu misappropriated AbbVie’s BTK degrader trade secrets and confidential information in and from this judicial district by stealing, using, and disclosing AbbVie’s BTK degrader trade secrets in an unauthorized manner. Liu’s intentional acts have inflicted and continue to inflict injury on AbbVie in this judicial district.

32. This Court has specific personal jurisdiction over BeiGene, Ltd. because BeiGene, Ltd. has created sufficient intentional minimum contacts with this judicial district arising out of and relating to Liu’s theft of trade secrets developed at AbbVie in this district (North Chicago,

Illinois), and stolen by Liu from this district, which BeiGene, Ltd. encouraged, knew, or had reason to know. BeiGene, Ltd., either directly or through one or more of its affiliates or agents under BeiGene, Ltd.'s direction, has purposefully availed itself of the privilege of doing business in Illinois, with intentional conduct directed at this judicial district. Specifically, BeiGene, Ltd., either directly or through one or more of its affiliates or agents under BeiGene, Ltd.'s direction, purposefully communicated with and recruited Liu when he was employed by AbbVie in this judicial district for purposes of hiring Liu away from AbbVie and obtaining AbbVie's BTK degrader trade secret information from Liu in order to advance and accelerate BeiGene's own BTK degrader program. Moreover, BeiGene, Ltd., either directly or through one or more of its affiliates or agents under BeiGene, Ltd.'s direction, has furthered and continues to further the misappropriation of AbbVie's BTK degrader trade secrets and confidential information by sponsoring and actively recruiting Illinois residents for the clinical trial of its, or its affiliates', drug candidate BGB-16673 in this judicial district. BGB-16673 uses misappropriated AbbVie BTK degrader secret and confidential information that Liu obtained from AbbVie in this judicial district and shared with BeiGene, Ltd. BeiGene, Ltd.'s intentional acts have inflicted and continue to inflict injury on AbbVie in this judicial district.

33. In the alternative, this Court also has personal jurisdiction over BeiGene, Ltd. under Federal Rule of Civil Procedure 4(k)(2) because (i) AbbVie's claims arise under federal law; (ii) BeiGene, Ltd. is a foreign defendant not subject to general personal jurisdiction in the courts of any state; and (iii) BeiGene, Ltd. has sufficient contacts in the United States as a whole (and even in this judicial district), including, but not limited to, communicating with, recruiting, and hiring former AbbVie employees such as Liu, conducting and participating in clinical trials for its drug candidates throughout the United States, including for BGB-16673, which uses misappropriated

AbbVie BTK degrader trade secret and confidential information, as well as filing and prosecuting patent applications in the United States Patent and Trademark Office, such that this Court's exercise of jurisdiction over BeiGene, Ltd. satisfies due process.

34. This Court has specific personal jurisdiction over BeiGene (Beijing) because BeiGene (Beijing) has created sufficient intentional minimum contacts with this judicial district arising out of and relating to Liu's theft of trade secrets developed at AbbVie in this judicial district (North Chicago, Illinois), and stolen by Liu from this judicial district, which BeiGene (Beijing) encouraged, knew or had reason to know. BeiGene (Beijing), either directly or through one or more of its affiliates or agents under BeiGene (Beijing)'s direction, has purposefully availed itself of the privilege of doing business in Illinois with intentional conduct directed at this judicial district. Specifically, BeiGene (Beijing), either directly or through one or more of its affiliates or agents under BeiGene (Beijing)'s direction, purposefully communicated with and recruited Liu when he was employed by AbbVie in this judicial district for purposes of hiring Liu away from AbbVie and obtaining AbbVie's BTK degrader trade secret information from Liu in order to advance and accelerate BeiGene's own BTK degrader program. Moreover, BeiGene (Beijing), either directly or through one or more of its affiliates or agents under BeiGene (Beijing)'s direction, has furthered and is furthering the misappropriation of AbbVie's BTK degrader trade secrets and confidential information by sponsoring and actively recruiting Illinois residents for the clinical trial of its, or its affiliates', drug candidate BGB-16673 in this judicial district. BGB-16673 uses misappropriated AbbVie BTK degrader secret and confidential information that Liu obtained from AbbVie in this judicial district and shared with BeiGene (Beijing). BeiGene (Beijing)'s intentional acts have inflicted and continue to inflict injury on AbbVie in this judicial district.

35. In the alternative, this Court also has personal jurisdiction over BeiGene (Beijing) under Federal Rule of Civil Procedure 4(k)(2) because (i) AbbVie's claims arise under federal law; (ii) BeiGene (Beijing) is a foreign defendant not subject to general personal jurisdiction in the courts of any state; and (iii) BeiGene (Beijing) has sufficient contacts in the United States as a whole (and even in this judicial district), including, but not limited to, communicating with, recruiting, and hiring former AbbVie employees, such as Liu, conducting and participating in clinical trials for its drug candidates throughout the United States, including for BGB-16673, which uses misappropriated AbbVie BTK degrader trade secret and confidential information, as well as filing PCT patent applications designating the United States, such that this Court's exercise of jurisdiction over BeiGene (Beijing) satisfies due process.

36. Venue in this District is proper as to all Defendants under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims in this Complaint occurred in this District, namely, Liu's acquisition of the trade secrets as an employee of AbbVie in this judicial district, Liu's theft and unauthorized disclosure of AbbVie's trade secrets from this judicial district, and BeiGene's communication with Liu in this judicial district for purposes of securing his employment so that BeiGene could acquire AbbVie's trade secrets.

37. Venue in this District also is proper as to BeiGene, Ltd. and BeiGene (Beijing), both foreign corporations, under 28 U.S.C. § 1391(b)(3) because they are subject to personal jurisdiction in this District, as set forth above, because they are corporations organized under the laws of the Cayman Islands and the People's Republic of China, respectively, and because they may be sued in any judicial district, 28 U.S.C. § 1391(c)(3).

FACTUAL ALLEGATIONS

AbbVie and Its BTK Degradar Program

38. AbbVie is a global biopharmaceutical company headquartered in North Chicago, Illinois. AbbVie was formed as an independent company in 2013, following its separation from Abbott Laboratories. AbbVie has a rich, 135-year heritage of developing pharmaceuticals and has grown to be one of the largest biomedical companies in the world, providing life-saving products and services to millions of people. Every year, over 50 million people are treated by AbbVie's products in over 175 countries around the world.

39. AbbVie maintains state-of-the-art research and development (R&D) and manufacturing facilities in over 20 countries. AbbVie employs over 50,000 people in over 70 countries and has consistently been recognized as a top company to work for.

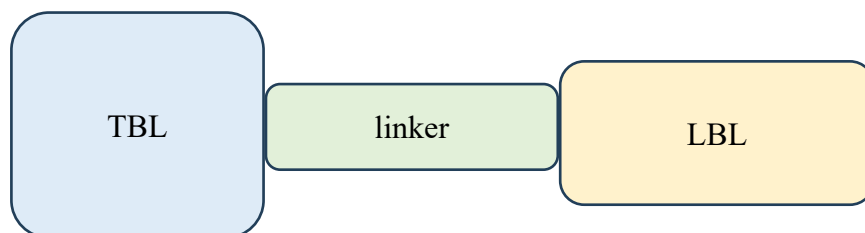
40. AbbVie has invested substantial resources in discovering, identifying, and developing new compounds and drugs for human treatment, including compounds for treating cancer.

41. Among its efforts in developing compounds for treating cancer, AbbVie has invested substantial resources in the research of cancer therapies that act by disrupting the activity of the BTK protein.

42. BTK is a key signaling molecule in the pathway that leads to B-cell growth and maturation following activation of the B-cell receptor. Abnormalities in the B-cell receptor signaling pathway can lead to uncontrolled cell growth and cause cancers of the blood and bone marrow. These types of cancers can be treated effectively with compounds that interfere with the function of BTK.

43. BTK degraders are a class of compounds that selectively degrade (destroy) BTK, thereby removing BTK from the patient's system.

44. The chemical structures of BTK degraders generally have three main components. First, BTK degraders include a target binding ligand, or TBL, which is the component of the molecule that directly binds to BTK. Second, BTK degraders include a degradation component that recruits a ubiquitin protein, which irreversibly destroys the BTK when brought into close contact with the BTK. This degradation component is known as the E3-ligase binding ligand (or LBL). Third, BTK degraders include a linker that functionally connects the two binding ligands, *i.e.*, the TBL and the LBL, to ensure proper degradation of their target. A schematic diagram of a BTK degrader is shown below:



45. In its BTK degrader program, AbbVie scientists focused on each of these three main components, combinations of these three main components, as well as BTK degraders as a whole, while inventing, designing, developing, testing, and innovating at each stage of the program to identify BTK degrader clinical candidates that would improve upon existing cancer treatments. Along the way, AbbVie scientists learned about design features of BTK degrader compounds that would prove beneficial and others that would prove to be problematic. Through this work, AbbVie developed valuable trade secrets and confidential information in its BTK degrader program and used that valuable trade secret and confidential information to develop its clinical candidate presently in Phase 1 clinical trials, ABBV-101.

Liu's Involvement in and Access to AbbVie's BTK Degradar Program

46. Liu joined AbbVie's in-progress BTK degradar program in or about September 2018. Liu worked on the BTK degradar program until September 2019, when he took his retirement and started collecting retirement benefits from AbbVie.

47. In his role on AbbVie's BTK degradar program, Liu was regularly and routinely exposed to AbbVie's BTK degradar trade secrets and confidential information. For instance, Liu participated in frequent and regular BTK degradar program team meetings and interactions, where AbbVie's confidential test results and data relating to the AbbVie BTK degradar designs were presented and discussed. These test results and data provided important information correlating BTK degradar designs with pharmacological properties (*e.g.*, potency, oral bioavailability, efficacy, safety, pharmacokinetics, pharmacodynamics, and/or overall potential as new drug candidates). These results and data showed, *inter alia*, how modifications to the design of each of the main components of the BTK degraders—TBL, LBL, and linker—would enhance or detract from the pharmacological properties (*e.g.*, potency, oral bioavailability, efficacy, safety, pharmacokinetics, pharmacodynamics, and/or overall potential as new drug candidates) of BTK degradar compounds.

48. Liu participated in and was privy to confidential discussions within the BTK degradar program revealing AbbVie's past, present, and future strategies for BTK degradar design and strategies and timelines for AbbVie's pre-clinical drug development. Indeed, Liu was asked to synthesize and did synthesize BTK degradar compounds and components that he knew and understood incorporated AbbVie's trade secrets and confidential information.

49. Liu was aware that the AbbVie BTK degradar trade secrets and confidential information would be very valuable in the hands of AbbVie's competitors, such as BeiGene.

AbbVie's BTK Degradar Trade Secrets

50. In this Complaint, AbbVie pleads the asserted trade secrets and confidential information owned by AbbVie that Liu acquired while working for AbbVie in the BTK degrader program, and that Liu misappropriated by stealing from AbbVie, using, and disclosing outside of AbbVie without AbbVie's authorization.

51. With respect to AbbVie's identification of its misappropriated trade secrets in this Complaint, AbbVie limits its detailed descriptions to aspects of those trade secrets that have been disclosed by Defendants, without authorization from AbbVie, in BeiGene's published patent applications and other publications. In so doing, AbbVie does not limit its rights and remedies.

52. Prior to Liu's unauthorized theft, use, and disclosures and BeiGene's unauthorized acquisition, use, and disclosures, all of AbbVie's BTK degrader-related trade secrets and confidential information were unknown to anyone without an obligation to AbbVie to maintain their secrecy.

53. As noted above, AbbVie's BTK degrader program involved significant research and development into all three BTK degrader components—TBL, LBL, and linker. AbbVie invented, designed, developed, synthesized, and tested many BTK degraders comprising different TBL designs, LBL designs, linker designs, TBL-linker and LBL-linker combination designs, and TBL-linker-LBL combination designs. In so doing, AbbVie created and protected numerous valuable trade secrets, including:

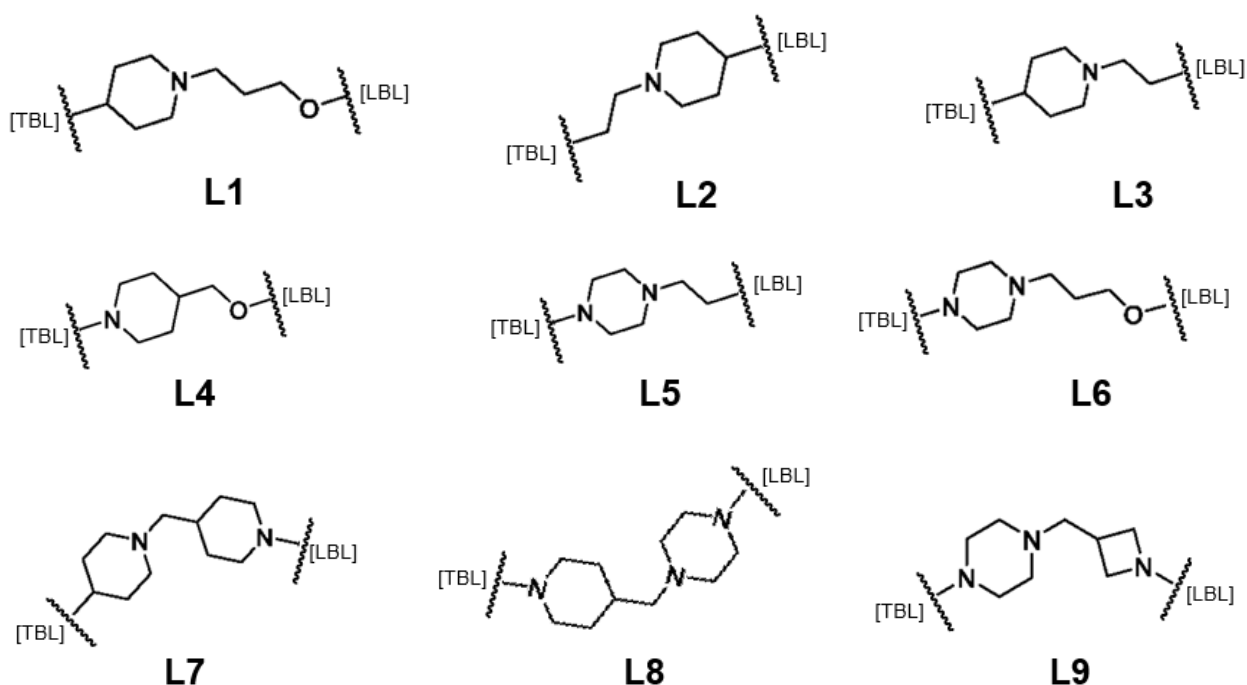
- (i) BTK degrader linker designs containing relatively short and less flexible cyclic amine structures compared to then-known BTK degrader linker designs that, in combination with certain TBL designs and/or LBL designs, have valuable pharmacological properties;

- (ii) BTK degrader TBL designs having structurally-tailored and optimally-oriented BTK scaffolds that, in combination with certain linker designs and/or LBL designs, have valuable pharmacological properties;
- (iii) BTK degrader LBL designs devoid of thalidomide-, lenalidomide-, or pomalidomide-based chemical structures that, in combination with certain linker designs and/or TBL designs, have valuable pharmacological properties;
- (iv) BTK degrader TBL-linker combination designs that, in combination with certain LBL designs, have valuable pharmacological properties;
- (v) BTK degrader LBL-linker combination designs that, in combination with certain TBL designs, have valuable pharmacological properties;
- (vi) BTK degrader TBL-linker-LBL combination designs (i.e., BTK degrader designs) that have valuable pharmacological properties;
- (vii) scientific information and data regarding how specific modifications to each of the BTK degrader component designs and combinations thereof affect, positively or negatively, the pharmacological properties of a BTK degrader compound;
- (viii) scientific information and data regarding AbbVie's lead BTK degrader candidates and plans for developing and optimizing such candidates, based on the pharmacological properties of these BTK degrader compound designs; and

- (ix) compilations and descriptions of AbbVie's discoveries relating to the pharmacological properties of BTK degrader designs and how these discoveries factored into AbbVie's plans for its BTK degrader program.

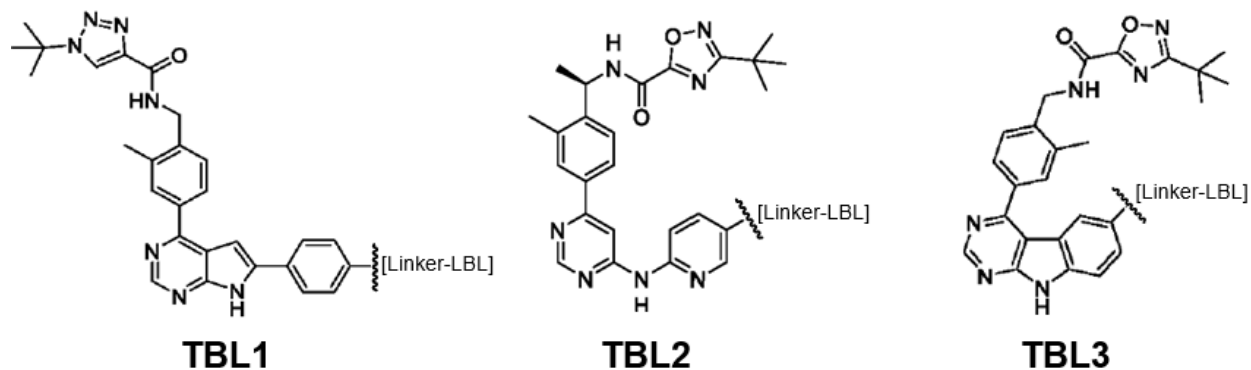
These nine types of trade secrets are referred to collectively herein below as the "AbbVie BTK Degrader Trade Secret(s)."

54. Specific examples of AbbVie's trade secret BTK degrader linker designs (type (i) trade secrets) include the following:



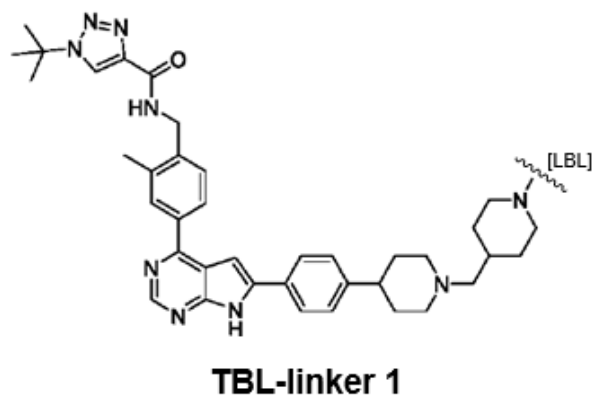
55. These AbbVie trade secret linker designs are among the AbbVie BTK Degrader Trade Secrets disclosed by BeiGene in its patent applications, without AbbVie's authorization, as discussed below.

56. Specific examples of AbbVie's trade secret BTK degrader TBL designs (type (ii) trade secrets) include the following:



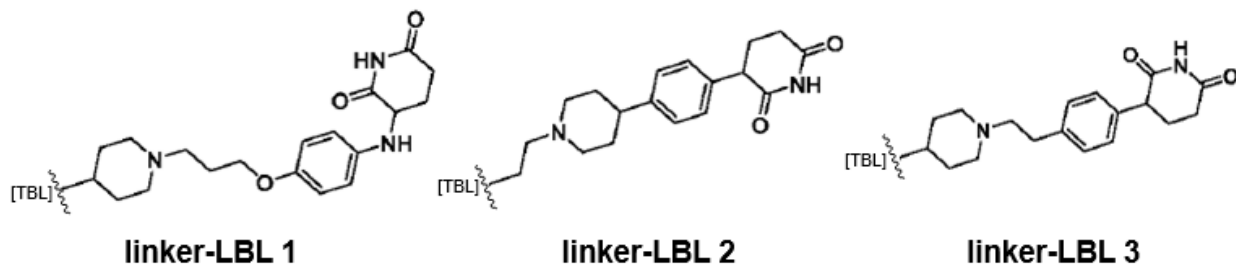
57. These AbbVie trade secret TBL designs are among the AbbVie BTK Degradation Trade Secrets disclosed by BeiGene in its patent applications, without AbbVie's authorization, as discussed below.

58. One example of AbbVie's trade secret BTK degrader TBL-linker designs (type (iv) trade secrets) is the following:



59. This AbbVie trade secret TBL-linker design is among the AbbVie BTK Degradation Trade Secrets disclosed by BeiGene in its patent applications, without AbbVie's authorization, as discussed below.

60. Specific examples of AbbVie's trade secret BTK degrader linker-LBL designs (type (v) trade secrets) include the following:



61. These AbbVie trade secret linker-LBL designs are among the AbbVie BTK Degradable Trade Secrets disclosed by BeiGene in its patent applications, without AbbVie's authorization, as discussed below.

62. The trade secrets and confidential information created and developed in AbbVie's BTK degrader program were discovered and built upon by AbbVie employees acting within the course and scope of their employment for AbbVie, using AbbVie resources. Accordingly, AbbVie owns the AbbVie BTK Degradable Trade Secrets.

63. These AbbVie BTK Degradable Trade Secrets are among the trade secrets misappropriated by Defendants, as discussed above and further below in Paragraphs 91–180.

64. The AbbVie BTK Degradable Trade Secrets and related confidential information were not in the public domain, nor were they matters of general knowledge in the trade or of special persons who are skilled in the trade, prior to disclosure by Defendants.

65. As discussed below, Liu stole, used, and disclosed the AbbVie BTK Degradable Trade Secrets and confidential information to BeiGene without authorization from AbbVie. BeiGene then, also without authorization from AbbVie, copied and/or derived, and then used and disclosed, the AbbVie BTK Degradable Trade Secrets and related confidential information, including the AbbVie BTK Degradable Trade Secret designs (i)–(vi) in Paragraph 53 above, in patent applications it filed after Liu joined BeiGene.

66. While employed by AbbVie in its BTK degrader program, Liu worked directly with and/or knew of the BTK degrader designs that BeiGene would later copy and/or derive from the AbbVie BTK Degradation Trade Secrets and related confidential information that BeiGene obtained from Liu.

67. The BTK degrader designs that BeiGene copied and/or derived from the AbbVie BTK Degradation Trade Secrets and related confidential information vary significantly from the BTK degrader structures generally known and commonly used in the field prior to AbbVie's discoveries.

68. The AbbVie BTK Degradation Trade Secrets also differ from what was known in the field and enable substantial improvements in BTK degrader pharmacological properties (*e.g.*, potency, oral bioavailability, efficacy, safety, pharmacokinetics, pharmacodynamics, and/or overall potential as new drug candidates). Specifically, the AbbVie BTK Degradation Trade Secrets comprise different chemical structures as compared to what was generally known in the field. For example, AbbVie's trade secret BTK degrader linker designs contain relatively short and less flexible cyclic amine structures compared to then-known BTK degrader linker designs; AbbVie's trade secret BTK degrader TBL designs are structurally tailored and oriented differently compared to then-known BTK degrader TBL designs; AbbVie's trade secret BTK degrader LBL designs are devoid of thalidomide-, lenalidomide-, or pomalidomide-based chemical structures, which were commonly present in then-known BTK degrader LBL designs.

AbbVie's Trade Secrets Are Valuable, and AbbVie Protected Their Secrecy

69. Biopharmaceutical companies, such as AbbVie, depend on confidential R&D programs to develop innovative products and services. These programs typically involve years-long iterative processes where many successes and failures build on one another and where new discoveries made along the way drive a program forward and may also result in new programs and

new drug development pathways. The intellectual property created during this process, regardless of whether it directly results in a commercial product, constitutes valuable assets of companies like AbbVie. If a competitor improperly acquires a company's intellectual property, that provides the competitor with an unfair and unjust advantage in the market, because the competitor can avoid expending resources, engaging in a lengthy R&D process, and contending with the uncertainty of success. Such improper acquisition by a competitor also deprives the company that owns the intellectual property of the full economic value or potential value of its assets. Thus AbbVie derives value from maintaining the secrecy of its trade secrets, including the AbbVie BTK Degradator Trade Secrets.

70. AbbVie's BTK degrader program involved a significant investment of AbbVie's resources, including funds and personnel, over a multi-year period. AbbVie has spent numerous years and many millions of dollars on its BTK degrader program, which is ongoing today.

71. The AbbVie BTK Degradator Trade Secrets and related confidential information have significant economic value in the market for pharmaceuticals generally and in the market for BTK-targeted cancer therapies specifically.

72. The AbbVie BTK Degradator Trade Secrets and related confidential information have independent economic value derived from their secrecy. This value comes from not being generally known to others who can obtain economic value from their disclosure or use, such as those entities (*e.g.*, BeiGene) who could use AbbVie's BTK Degradator Trade Secrets to save significant time and resources in developing BTK degraders in order to compete with AbbVie's BTK inhibitor and future BTK degrader cancer therapies (*e.g.*, ABBV-101) discussed above.

73. AbbVie protected the substantial value of the AbbVie BTK Degradator Trade Secrets and related confidential information by maintaining their secrecy.

74. At all relevant times, AbbVie took reasonable measures to protect the secrecy of the AbbVie BTK Degradator Trade Secrets and related confidential information.

75. For example, AbbVie has, and at all times relevant to this matter had, written policies and procedures governing its information technology (“IT”) and the security of the AbbVie BTK Degradator Trade Secrets and related confidential information described above.

76. AbbVie’s policies and procedures for accessing the AbbVie BTK Degradator Trade Secrets and related confidential information involve computer controls, limitations on data access, network security, user setup procedures, password administration and management, security audits, security breach investigations, email best practices, and mobile device security.

77. AbbVie policies governing the AbbVie BTK Degradator Trade Secrets and related confidential information require AbbVie employees to maintain these trade secrets and confidential information in confidence and not disclose them to any unauthorized third party.

78. AbbVie protects the AbbVie BTK Degradator Trade Secrets and related confidential information from disclosure in its business dealings with third parties through nondisclosure agreements.

79. AbbVie limits access to the AbbVie BTK Degradator Trade Secrets and its other confidential and proprietary information to certain employees, and it stores the AbbVie BTK Degradator Trade Secrets electronically in a secure network system.

80. AbbVie routinely audits user access to critical shared folders containing the AbbVie BTK Degradator Trade Secrets, and each critical function stakeholder must approve the list of personnel with access.

81. AbbVie’s computers are protected from unauthorized access to the AbbVie BTK Degradator Trade Secrets through the use of individual usernames and passwords, and employees

and managers with access to the AbbVie BTK Degradar Trade Secrets must change passwords regularly.

82. AbbVie's electronic applications containing the AbbVie BTK Degradar Trade Secrets require user authentication and also have a session-timeout mechanism in place.

83. Accessing the AbbVie BTK Degradar Trade Secrets via the AbbVie network using a personal computer assigned to an AbbVie employee is allowed upon receiving approval of a request that must be submitted to AbbVie security and information technology professionals.

84. Personal computers assigned to an AbbVie employee allowed to connect to the AbbVie network to access the AbbVie BTK Degradar Trade Secrets must satisfy the company's standard computer security practices and are subject to inspection and monitoring by AbbVie.

85. Within its facilities, AbbVie restricts building access for areas containing sensitive information, including areas containing the AbbVie BTK Degradar Trade Secrets. Access to these areas requires door permissions that are granted only if an individual's job duties require access to these areas.

86. Access to AbbVie's server rooms with the servers that store the AbbVie BTK Degradar Trade Secrets is limited to IT and facilities staff who have been granted access by security professionals, and the list of people who have access is reviewed on a regular basis.

87. To ensure the security of the AbbVie BTK Degradar Trade Secrets and other proprietary, confidential information, AbbVie has licensed encryption software that monitors application and data usage, encrypts sensitive data, and enables auditing for compliance with AbbVie's security policies.

88. Exemplifying AbbVie's security measures, AbbVie employees receive training on the company's Code of Business Conduct, which, *inter alia*, states:

We are especially careful to protect proprietary information—knowledge that AbbVie owns and uses to our competitive advantage in the marketplace, such as trade secrets, manufacturing processes, and business methods. Confidential, proprietary information is used only to do our jobs; we never share it with anyone, inside or outside of AbbVie, who is not authorized to see or hear it.

89. AbbVie employees are also bound by a duty of loyalty to the company and are obligated to act in AbbVie’s best interests.

90. No agent or employee of AbbVie who has been entrusted in the course of employment with the AbbVie BTK Degradar Trade Secrets may thereafter utilize this secret knowledge against the interests or to the prejudice of AbbVie. Liu in connection with BeiGene has done just that.

Liu and BeiGene Misappropriated AbbVie’s Trade Secrets

91. Between and among themselves, Defendants conspired to and have misappropriated the AbbVie BTK Degradar Trade Secrets and related confidential information stolen, used, and disclosed by Liu without authorization from AbbVie.

92. Defendants are aware that significant resources and experimentation are required to develop a clinical BTK degrader candidate. Before recruiting Liu to work for BeiGene (Beijing), and for the BeiGene family of entities, BeiGene (Beijing) and its parent BeiGene, Ltd. were not satisfied with the pace or direction of the development of BeiGene (Beijing)’s own BTK degrader. BeiGene (Beijing)’s BTK degrader efforts before recruiting Liu are detailed in WO 2021/018018 (“WO 018”), filed by BeiGene, Ltd.

93. Both BeiGene (Beijing) and the BeiGene corporate family-controlling parent BeiGene, Ltd. knew that developing a BTK degrader was important for BeiGene’s commercial success. BeiGene, Ltd. publicly acknowledged that at the time BeiGene recruited Liu, unlike AbbVie, it had “no internally-developed products approved for commercial sale and [has] not

generated any revenue from internally-developed product sales.” BeiGene, Ltd., Quarterly Report on Form 10-Q (May 9, 2019) at 51, *available at* <https://www.sec.gov/Archives/edgar/data/1651308/000165130819000045/beigene2019q110-q.htm>. BeiGene, Ltd. further admitted that the cancer treatment field was “rapidly evolving” and that certain “difficulties, complications, [and] delays” would cause its business to “suffer.” *Id.*

94. In contrast to BeiGene’s lack of experience developing viable commercial products, BeiGene, Ltd. and BeiGene (Beijing) were aware of AbbVie’s proven track record of successfully bringing pharmaceutical products to patients. BeiGene, Ltd. and BeiGene (Beijing) further knew that access to the AbbVie BTK Degradar Trade Secrets and confidential information would shortcut the immense time and effort they would otherwise need to expend in developing a BTK degrader clinical candidate. BeiGene, Ltd. and BeiGene (Beijing) believed and expected that the AbbVie BTK Degradar Trade Secrets and confidential information could be used by BeiGene and/or affiliates to materially advance and accelerate BeiGene’s BTK degrader program.

95. Prior to and during the recruitment of Liu to work for BeiGene (Beijing), and for the BeiGene family of entities generally, both BeiGene (Beijing) and BeiGene, Ltd. learned that Liu was a Senior Research Scientist in AbbVie’s BTK degrader program, and that, in that role, Liu knew and worked with valuable AbbVie trade secret and confidential information relating to BTK degraders.

96. BeiGene (Beijing) and BeiGene, Ltd. knew or had reason to know that Liu possessed AbbVie trade secret scientific information regarding AbbVie’s BTK degrader program, including: specific BTK degrader component designs (trade secret types (i)–(vi)); how specific modifications to each of the BTK degrader component designs and combinations thereof affect, positively or negatively, the pharmacological properties of a BTK degrader compound (type (vii))

trade secrets); scientific information and data regarding AbbVie’s lead BTK degrader candidates and plans for developing and optimizing such candidates, based on the pharmacological properties of these BTK degrader compound designs (type (viii) trade secrets); and compilations and descriptions of AbbVie’s discoveries relating to the pharmacological properties of BTK degrader designs, and how these discoveries factored into AbbVie’s plans for its BTK degrader program (type (ix) trade secrets).

97. Based on industry standards and practices (and their own practices), BeiGene (Beijing) and BeiGene, Ltd. both knew or had reason to know that Liu had a duty to AbbVie to maintain the confidentiality of AbbVie’s trade secret and confidential information relating to BTK degraders. As BeiGene stated around the time BeiGene recruited and hired Liu in 2019, “[W]e rely on trade secrets, including unpatented know-how, technology and other proprietary information, to maintain our competitive position and to protect our medicines and drug candidates. We seek to protect these trade secrets, in part, by entering into non-disclosure and confidentiality agreements with parties that have access to them, such as our employees. . . .” BeiGene, Ltd., Annual Report on Form 10-K (Mar. 2, 2020) at 71, *available at* <https://www.sec.gov/Archives/edgar/data/1651308/000165130820000020/bgne-2019123110k.htm>. *See also* BeiGene, Ltd., Annual Report on Form 10-K (Feb. 26, 2024) at 78, *available at* <https://ir.beigene.com/filings-financials/sec%20filings//?shortDesc=Annual%20Report&format=convpdf&secFilingId=d616de2c-8830-43ea-8b09-bab3c88574dd> (same).

98. BeiGene acknowledges that it knows or has reason to know that its scientists who have previously been employed by other pharmaceutical companies possess trade secrets of their former employers subject to confidentiality. For example, BeiGene’s most recent 10-K says, “[M]any of our employees, including our senior management, were previously employed at other

biotechnology or pharmaceutical companies including our competitors or potential competitors. . . . [W]e may be subject to claims that we or these employees have used or disclosed intellectual property, including trade secrets or other proprietary information, of any such employee's former employer. . . ." BeiGene, Ltd., Annual Report on Form 10-K (Feb. 26, 2024) at 59, *available at* <https://ir.beigene.com/filings-financials/sec%20filings//?shortDesc=Annual%20Report&format=convpdf&secFilingId=d616de2c-8830-43ea-8b09-bab3c88574dd>.

99. Both BeiGene (Beijing) and BeiGene, Ltd. were aware that AbbVie, as a pharmaceutical company, relies on trade secrets and proprietary information and that AbbVie's current and former employees, such as Liu, have a duty to maintain those trade secrets and proprietary information in confidence, both during and following their employment with AbbVie.

100. Despite this knowledge, BeiGene (Beijing) and BeiGene, Ltd. enticed and encouraged Liu to use AbbVie BTK Degradator Trade Secrets and confidential information, and to disclose such trade secrets and information to other BeiGene employees and/or affiliates to advance and accelerate BeiGene's BTK degrader program.

101. Both BeiGene (Beijing) and BeiGene, Ltd. knew or had reason to know, based on the foregoing, as well as on their own encouragement and enticement, that Liu and other BeiGene employees and/or affiliates to whom Liu disclosed the AbbVie BTK Degradator Trade Secrets and confidential information were using those trade secrets and confidential information to advance and accelerate BeiGene's BTK degrader program in a number of ways, including preparing international patent applications, patents, and other publications, and developing a BTK degrader clinical candidate.

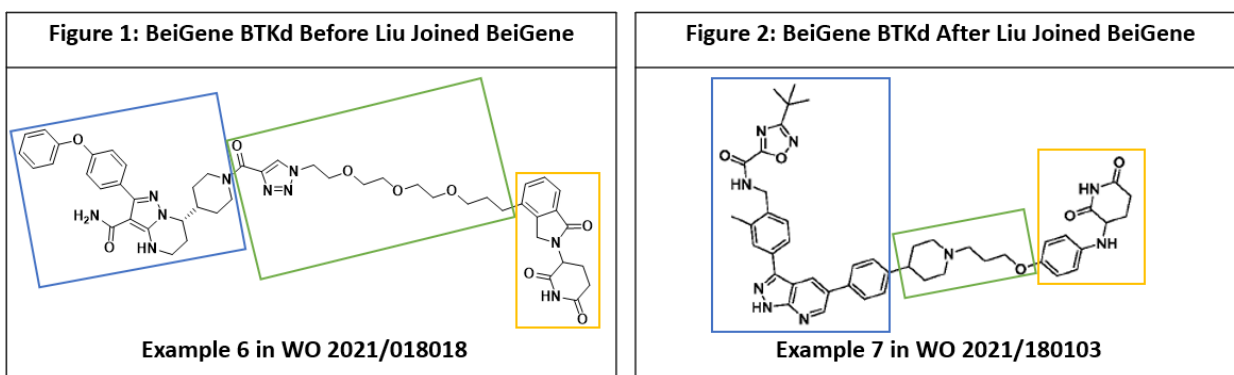
102. Based on their own enticement and encouragement, both BeiGene (Beijing) and BeiGene, Ltd. knew or had reason to know that BeiGene's BTK degrader patent applications and

other publications discussing BTK degraders prepared or published by BeiGene employees after Liu began his employment for BeiGene used and disclosed the AbbVie BTK Degradator Trade Secrets and confidential information.

103. Indeed, less than six months following Liu's departure from AbbVie and his commencement of employment with BeiGene (Beijing) (both in September 2019), BeiGene began filing patent applications directed to BTK degrader compounds that both (i) differed materially from those disclosed in BeiGene's only BTK degrader patent application filed prior to Liu's employment at BeiGene; and (ii) used and disclosed the AbbVie BTK Degradator Trade Secrets and related confidential information without authorization from AbbVie. Thereafter, BeiGene, Ltd. and BeiGene (Beijing) continued filing such applications until at least December 2022.

104. Specifically, the sole BTK degrader patent application that BeiGene, Ltd. filed prior to hiring Liu, WO 018, includes 159 examples of BTK degraders. BeiGene's BTK degrader designs in this application generally comprised long, flexible linker designs and TBL designs derived from BeiGene's BTK inhibitor zanubrutinib. Yet, just six months after Liu was hired, BeiGene began to file a series of patent applications with very different BTK degrader designs. The "new" BeiGene BTK designs closely resemble the AbbVie BTK Degradator Trade Secret designs, and, in some cases, comprise exact replicas of the AbbVie BTK Degradator Trade Secrets.

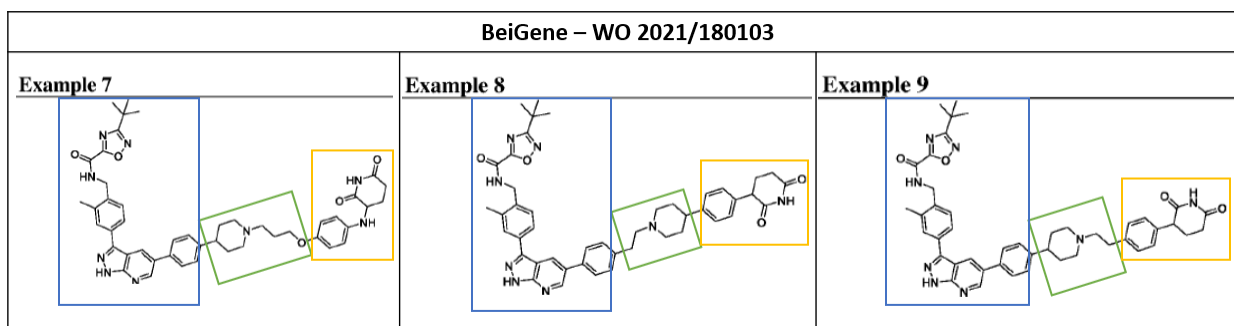
105. Figures 1 and 2 below compare a representative Example 6 from WO 018 with a representative Example 7 from the first PCT patent application in the BeiGene series that reflect its misappropriation, WO 2021/180103 ("WO 103"). Going from left to right in the figures, the TBL designs are outlined in blue, the linker designs are outlined in green, and the LBL designs are outlined in yellow.



106. The comparison of these two figures shows the sharp change in direction of BeiGene's BTK degrader program after Liu joined BeiGene and, without AbbVie's authorization, disclosed the AbbVie BTK Degrader Trade Secrets to BeiGene. For example, unlike Example 6 of WO 018, Example 7 of WO 103 uses an exact copy of AbbVie's trade secret BTK degrader linker design L1, an exact copy of AbbVie's trade secret BTK degrader linker-LBL design linker-LBL 1, and a TBL design derived from AbbVie BTK Degrader Trade Secret TBL designs.

107. As another stark example of BeiGene's misappropriation, WO 103 includes three consecutive examples, Examples 7, 8, and 9, which are derived directly from the AbbVie BTK Degrader Trade Secrets.

108. Examples 7, 8, and 9 in WO 103 are shown below.



109. Going from left to right in the figures, the TBL designs are outlined in blue, the linker designs are outlined in green, and the LBL designs are outlined in yellow.

110. Examples 7, 8, and 9 comprise exact replicas of three AbbVie BTK Degradar Trade Secret linker designs (type (i) trade secrets): linker L1, L2, and L3. In fact, AbbVie's three lead BTK degrader compounds in September 2019, just prior to Liu's departure from AbbVie for BeiGene, comprised these three exact AbbVie BTK Trade Secret linker designs.

111. These same three AbbVie BTK Degradar Trade Secret linker designs appeared in numerous internal, confidential AbbVie presentations that Liu helped to prepare and/or were shared with Liu, including presentations in which the three linker designs repeatedly appeared together on a single page.

112. Examples 7, 8, and 9 in WO 103 also use AbbVie BTK Degradar Trade Secret TBL and LBL designs (trade secret types (ii) and (iii)) from AbbVie's BTK degrader compounds in September 2019, just prior to Liu's departure from AbbVie for BeiGene.

113. Taken together, WO 103 Examples 7, 8, and 9 use various AbbVie BTK Degradar Trade Secrets which Liu stole from AbbVie and which BeiGene encouraged Liu to disclose knowing Liu had an obligation to AbbVie to maintain their secrecy.

114. In addition to WO 103, other BeiGene patent applications also use and disclose the AbbVie BTK Degradar Trade Secrets and related confidential information. These additional applications include at least the applications that have published as WO 2021/219070 ("WO 070"), WO 2021/219071 ("WO 071"), WO 2022/268052 ("WO 052"), WO 2023/125907 ("WO 907"), and WO 2023/125908 ("WO 908").

115. The AbbVie BTK Degradar Trade Secrets incorporated into BeiGene's patent applications comprise AbbVie's trade secret and confidential designs that were used in AbbVie's lead compounds at the time Liu worked on AbbVie's BTK degrader program. These lead compound trade secret and confidential designs were documented in AbbVie's restricted BTK

degrader program weekly presentations and other program materials to which Liu had access. Indeed, Liu helped to prepare and referred to these BTK degrader program materials in his role as Senior Research Scientist on AbbVie's BTK degrader program.

116. Further evidence of Defendants' misappropriation as it relates to WO 103, as well as to WO 070, WO 071, WO 052, WO 907, and WO 908, is discussed below.

Defendants' Misappropriation as Reflected in WO 103

117. International Patent Application Number PCT/CN2021/079882 has an international filing date of March 10, 2021. The application claims priority to PCT/CN2020/078884, filed March 11, 2020, and to PCT/CN2021/076294, filed February 9, 2021. It is titled "Degradation of Bruton's Tyrosine Kinase (BTK) By Conjugation of BTK Inhibitors With E3 Ligase Ligand and Methods of Use" and lists BeiGene, Ltd. as applicant. The application published as International Publication Number WO 2021/180103 on September 16, 2021. The named inventors for WO 103 are Hexiang Wang, Bailin Lei, Changxin Huo, Dongqing Sun, Jie Chen, and Zhiwei Wang.

118. BeiGene, Ltd. filed WO 103 in the United States Patent and Trademark Office on September 8, 2022, as United States Patent Application No. 17/910,037, which was published as Publication No. US 2023/0322761 on October 12, 2023.

119. WO 103 discloses AbbVie BTK Degradator Trade Secrets and related confidential information in addition to that discussed in Paragraphs 105–116 above. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK Degradator Trade Secrets and related confidential information to BeiGene and the named inventors of WO 103 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 103.

120. Examples 1–4, 6–10, 13–15, 19, 24–27, 29–30, 33–36, 40, 51–58, 63–64, 71–72, 86–89, 101, 103, 105–108, 111–114, 116–119, 122–123, 125, 129–131, 137, 139–156, 159, 161–167, 177, 181–183, 186–187, 194–196, 198–200, 206–207, 217, 219–222, 227, and 229 of WO 103 comprise the exact linker designs L1–L8 present in AbbVie BTK Degradar Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional Examples in WO 103 comprise linker designs that are derived from AbbVie BTK Degradar Trade Secret linker designs and related confidential information.

121. All of Examples 1–229 in WO 103 comprise TBL designs derived from AbbVie BTK Degradar Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program.

122. Examples 3, 8–9, 14, 19, 29, 33, 35, 54, 88–89, 91–92, 103, 107–108, 111–112, 116–117, 123, 125, 133, 150–153, 161–162, 174–176, 183, 188, 191, 197–198, 208–209, 211, 214, 223–224, and 227 of WO 103 comprise exact LBL designs present in AbbVie BTK Degradar Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional Examples in WO 103 comprise LBL designs that are derived from AbbVie BTK Degradar Trade Secret LBL designs and related confidential information.

123. Examples 1–4, 6–10, 13–15, 19, 24–27, 29–30, 33–36, 40, 51–58, 63–64, 71–72, 86–89, 101, 103, 105–108, 111–114, 116–119, 122–123, 125, 129–131, 137, 139–156, 159, 161–167, 177, 181–183, 186–187, 194–196, 198–200, 206–207, 217, 219–222, 227, and 229 of WO 103 comprise TBL-linker combination designs derived from AbbVie BTK Degradar Trade Secret

TBL-linker combination designs (trade secret type (iv)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional Examples in WO 103 comprise TBL-linker combination designs that are derived from AbbVie BTK Degradar Trade Secret TBL-linker combination designs and related confidential information.

124. Examples 3, 8–9, 14, 19, 29, 33, 35, 54, 88–89, 103, 107–108, 111–112, 116–117, 123, 125, 150–153, 161–162, 183, 198, and 227 of WO 103 comprise LBL-linker combination designs derived from AbbVie BTK Degradar Trade Secret LBL-linker combination designs (trade secret type (v)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional Examples in WO 103 comprise LBL-linker combination designs that are derived from AbbVie BTK Degradar Trade Secret LBL-linker combination designs and related confidential information.

125. Examples 1–229 in WO 103 comprise TBL-linker-LBL combination designs derived from AbbVie BTK Degradar Trade Secret TBL-linker-LBL designs (trade secret type (vi)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

126. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 103, the general discussion, synthesis, and overall disclosures of WO 103 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

127. Defendants used AbbVie BTK Degradar Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 103 and related applications, including in the United States, without AbbVie's authorization.

Defendants' Misappropriation as Reflected in WO 070

128. International Patent Application Number PCT/CN2021/090898 has an international filing date of April 29, 2021. The application claims priority to PCT/CN2020/088322, filed April 30, 2020, and PCT/CN2021/085369, filed April 2, 2021. It is titled “Degradation of Bruton’s Tyrosine Kinase (BTK) By Conjugation of BTK Inhibitors With E3 Ligase Ligand and Methods of Use” and lists BeiGene, Ltd. as applicant. The application published as International Publication Number WO 2021/219070 on November 4, 2021. The named inventors for WO 070 are Hexiang Wang, Bailin Lei, Changxin Huo, Dongqing Sun, Jie Chen, Zhiwei Wang, and Yucheng Wang.

129. BeiGene, Ltd. filed this patent application in the United States Patent and Trademark Office on October 19, 2022, as United States Patent Application No. 17/919,847, which application published as Publication No. US 2023/0167118 on June 1, 2023.

130. WO 070 discloses AbbVie BTK Degradation Trade Secrets and related confidential information. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK Degradation Trade Secrets and related confidential information to BeiGene and the named inventors of WO 070 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 070.

131. Compounds 1–2, 7–9, 16–17, 23, 28–29, 36, 39–40, 60–62, 97–103, 120–122, 138–139, 149, 152, and 155 of WO 070 comprise the exact linker designs L7 and L8 present in AbbVie BTK Degradation Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degradation program. Additional compounds in WO 070 comprise linker designs that are derived from AbbVie BTK Degradation Trade Secret linker designs and related confidential information.

132. Compounds 1–192 in WO 070 comprise TBL designs derived from AbbVie BTK Degradable Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Compounds 37 and 40 in WO 070 comprise the exact TBL design TBL1 from AbbVie BTK Degradable Trade Secret TBL designs and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program.

133. Compounds 4, 48, 53–57, 143, 153, 191, and 192 of WO 070 comprise exact LBL designs present in AbbVie BTK Degradable Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 070 comprise LBL designs that are derived from AbbVie BTK Degradable Trade Secret LBL designs and related confidential information.

134. Compounds 1–2, 7–9, 16–17, 23, 28–29, 36, 37, 39–40, 60–62, 97–103, 120–122, 138–139, 149, 152, and 155 of WO 070 comprise TBL-linker combination designs derived from AbbVie BTK Degradable Trade Secret TBL-linker combination designs (trade secret type (iv)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 070 comprise TBL-linker combination designs that are derived from AbbVie BTK Degradable Trade Secret TBL-linker combination designs and related confidential information.

135. Compounds 1, 7–9, 16, 23, 28, 29, 36, 40, 48, 55–57, 60, 62, 97, 100, 101, 120–122, 138–139, 149, 152, and 155 of WO 070 comprise LBL-linker combination designs derived from AbbVie BTK Degradable Trade Secret LBL-linker combination designs (trade secret type (v)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 070 comprise LBL-linker

combination designs that are derived from AbbVie BTK Degradер Trade Secret LBL-linker combination designs and related confidential information.

136. Compounds 1–192 of WO 070 comprise TBL-linker-LBL combination designs derived from AbbVie BTK Degradер Trade Secret TBL-linker-LBL combination designs (trade secret type (vi)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program.

137. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 070, the general discussion, synthesis, and overall disclosures of WO 070 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

138. Defendants used AbbVie BTK Degradер Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 070 and related applications, including in the United States, without authorization from AbbVie.

Defendants’ Misappropriation as Reflected in WO 071

139. International Patent Application Number PCT/CN2021/090900 has an international filing date of April 29, 2021. The application claims priority to PCT/CN/2020/087928, filed April 30, 2020. It is titled “Process For Preparing Protac BTK Degraders” and lists BeiGene (Beijing) Co., Ltd. as applicant. The application published as International Publication Number WO 2021/219071 on November 4, 2021. The named inventors for WO 071 are Hexiang Wang, Bailin Lei, Changxin Huo, Dongqing Sun, Jie Chen, and Zhiwei Wang.

140. WO 071 discloses AbbVie BTK degrader Trade Secrets and related confidential information. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK Degradер Trade Secrets and related confidential information to BeiGene and the named inventors

of WO 071 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 071.

141. Compound 3 of WO 071 comprises the exact linker design L7 present in AbbVie BTK Degradar Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 071 comprise linker designs that are derived from AbbVie BTK Degradar Trade Secret linker designs and related confidential information.

142. Compounds 1–3 in WO 071 comprise TBL designs derived from AbbVie BTK Degradar Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

143. Compounds 1–3 in WO 071 comprise LBL designs derived from AbbVie BTK Degradar Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

144. Compounds 1–3 in WO 071 comprise TBL-linker combination designs (trade secret type (iv)), LBL-linker combination designs (trade secret type (v)), and TBL-linker-LBL combination designs (trade secret type (vi)), and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

145. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 071, the general discussion, synthesis, and overall disclosures of WO 071 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

146. Defendants used AbbVie BTK Degradar Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 071 and related applications, without authorization from AbbVie.

Defendants' Misappropriation as Reflected in WO 052

147. International Patent Application Number PCT/CN2022/100017 has an international filing date of June 21, 2022. The application claims priority to PCT/CN2021/101281, filed June 21, 2021, and PCT/CN2021/142802, filed December 30, 2021. It is titled “(R)-Glutarimide CRBN Ligands and Methods of Use” and lists BeiGene, Ltd. as applicant. The application published as International Publication Number WO 2022/268052 on December 29, 2022. The named inventors for WO 052 are Bailin Lei, Huaqing Liu, Songzhe Han, Changxin Huo, and Zhiwei Wang.

148. WO 052 discloses AbbVie BTK Degradator Trade Secrets and related confidential information. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK Degradator Trade Secrets and related confidential information to BeiGene and the named co-inventors of WO 052 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 052.

149. Compounds 31, 32, and C41 of WO 052 comprise the exact linker designs L3 and L5 present in AbbVie BTK Degradator Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 052 comprise linker designs that are derived from AbbVie BTK Degradator Trade Secret linker designs and related confidential information.

150. Compounds 31, 32, and C39–C40 in WO 052 comprise TBL designs derived from AbbVie BTK Degradator Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Compound C41 in WO 052 comprises the exact TBL design TBL2 from AbbVie BTK

Degrader Trade Secret TBL designs and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

151. Compound 31 of WO 052 comprises an exact LBL design present in AbbVie BTK Degrader Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 052 comprise LBL designs that are derived from AbbVie BTK Degrader Trade Secret LBL designs and related confidential information.

152. Compound C41 of WO 052 comprises a TBL-linker combination design derived from AbbVie BTK Degrader Trade Secret TBL-linker combination designs (trade secret type (iv)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 052 comprise TBL-linker combination designs that are derived from AbbVie BTK Degrader Trade Secret TBL-linker combination designs and related confidential information.

153. Compound 31 of WO 052 comprises an LBL-linker combination design derived from AbbVie BTK Degrader Trade Secret LBL-linker combination designs (trade secret type (v)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 052 comprise LBL-linker combination designs that are derived from AbbVie BTK Degrader Trade Secret LBL-linker combination designs and related confidential information.

154. Compounds 31, 32, and C39–C41 in WO 052 comprise TBL-linker-LBL combination designs derived from AbbVie BTK Degrader Trade Secret TBL-linker-LBL combination designs (trade secret type (vi)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

155. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 052, the general discussion, synthesis, and overall disclosures of WO 052 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

156. Defendants used AbbVie BTK Degradator Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 052 and related applications without authorization from AbbVie.

Defendants’ Misappropriation as Reflected in WO 907

157. International Patent Application Number PCT/CN2022/143835 has an international filing date of December 30, 2022. The application claims priority to PCT/CN2021/142803, filed December 30, 2021. It is titled “Degradation of Bruton’s Tyrosine Kinase (BTK) By Conjugation of BTK Inhibitors With E3 Ligase Ligand and Methods of Use” and lists BeiGene, Ltd. as applicant. The application published as International Publication Number WO 2023/125907 on July 6, 2023. The named inventors for WO 907 are Changxin Huo, Hexiang Wang, Zhemin Chen, Zhiwei Wang, and Huaqing Liu.

158. WO 907 discloses AbbVie BTK Degradator Trade Secrets and related confidential information. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK Degradator Trade Secrets and related confidential information to BeiGene and the named co-inventors of WO 907 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 907.

159. Compounds 2–5, 16–19, 38–39, 42, 80, 82, 92, 123–124, and 126 of WO 907 comprise the exact linker designs L1, L5, L7, and L9 present in AbbVie BTK Degradator Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in

WO 907 comprise linker designs that are derived from AbbVie BTK Degradar Trade Secret linker designs and related confidential information.

160. Compounds 1–133 in WO 907 comprise TBL designs derived from AbbVie BTK Degradar Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Compounds 1–4 in WO 907 comprise the exact TBL design TBL3 from AbbVie BTK Degradar Trade Secret TBL designs and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program.

161. Compounds 15, 20–21, 25–26, 29–32, 36, 41, 47–50, 55–56, 59–60, 65–68, 72, 90, 96, 101–102, 110–113, 127–128, and 133 of WO 907 comprise exact LBL designs present in AbbVie BTK Degradar Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 907 comprise LBL designs that are derived from AbbVie BTK Degradar Trade Secret LBL designs and related confidential information.

162. Compounds 1–9, 16–19, 22, 38–39, 42, 80, 82, 92, 123–124, and 126 of WO 907 comprise TBL-linker combination designs derived from AbbVie BTK Degradar Trade Secret TBL-linker combination designs (trade secret type (iv)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 907 comprise TBL-linker combination designs that are derived from AbbVie BTK Degradar Trade Secret TBL-linker combination designs and related confidential information.

163. Compounds 2–5, 38–39, 42, and 126 in WO 907 comprise LBL-linker combination designs derived from AbbVie BTK Degradar Trade Secret LBL-linker combination designs (trade secret type (v)) and related confidential information Liu learned about and had access to while

working on AbbVie's BTK degrader program. Additional compounds in WO 907 comprise LBL-linker combination designs that are derived from AbbVie BTK Degradation Trade Secret LBL-linker combination designs and related confidential information.

164. Compounds 1–133 in WO 907 comprise TBL-linker-LBL combination designs derived from AbbVie BTK Degradation Trade Secret TBL-linker-LBL combination designs (trade secret type (vi)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

165. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 907, the general discussion, synthesis, and overall disclosures of WO 907 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

166. Defendants used AbbVie BTK Degradation Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 907 and related applications without AbbVie's authorization.

Defendants' Misappropriation as Reflected in WO 908

167. International Patent Application Number PCT/CN2022/143837 has an international filing date of December 30, 2022. The application claims priority to PCT/CN2021/142804, filed December 30, 2021. It is titled "Degradation of Bruton's Tyrosine Kinase (BTK) By Conjugation of BTK Inhibitors With E3 Ligase Ligand and Methods of Use" and lists BeiGene, Ltd. as applicant. The application published as International Publication Number WO 2023/125908 on July 6, 2023. The named inventors for WO 908 are Changxin Huo, Hexiang Wang, Ruipeng Qi, Zhiwei Wang, and Huaqing Liu.

168. WO 908 discloses AbbVie BTK Degradation Trade Secrets and related confidential information. Without authorization from AbbVie, Liu stole, used, and disclosed the AbbVie BTK

Degrader Trade Secrets and related confidential information to BeiGene and the named co-inventors of WO 908 who, also without authorization from AbbVie, then used and disclosed the misappropriated information in WO 908.

169. Compounds 19, 21–22, 45–51, and 58 of WO 908 comprise the exact linker designs L5, L8, and L9 present in AbbVie BTK Degrader Trade Secret linker designs (trade secret type (i)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 908 comprise linker designs that are derived from AbbVie BTK Degrader Trade Secret linker designs and related confidential information.

170. Compounds 1–72 in WO 908 comprise TBL designs derived from AbbVie BTK Degrader Trade Secret TBL designs (trade secret type (ii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Compounds 16–59 in WO 908 comprise the exact TBL design TBL2 from AbbVie BTK Degrader Trade Secret TBL designs and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program.

171. Compounds 19, 26, 41–42, and 59 of WO 908 comprise exact LBL designs present in AbbVie BTK Degrader Trade Secret LBL designs (trade secret type (iii)) and related confidential information Liu learned about and had access to while working on AbbVie’s BTK degrader program. Additional compounds in WO 908 comprise LBL designs that are derived from AbbVie BTK Degrader Trade Secret LBL designs and related confidential information.

172. Compounds 16–19, 21–22, 45–51, and 57–59 of WO 908 comprise TBL-linker combination designs derived from AbbVie BTK Degrader Trade Secret TBL-linker combination designs (trade secret type (iv)) and related confidential information Liu learned about and had

access to while working on AbbVie's BTK degrader program. Additional compounds in WO 908 comprise TBL-linker combination designs that are derived from AbbVie BTK Degradation Trade Secret TBL-linker combination designs and related confidential information.

173. Compounds 19, 21–22, and 59 of WO 908 comprise LBL-linker combination designs derived from AbbVie BTK Degradation Trade Secret LBL-linker combination designs (trade secret type (v)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program. Additional compounds in WO 908 comprise LBL-linker combination designs that are derived from AbbVie BTK Degradation Trade Secret LBL-linker combination designs and related confidential information.

174. Compounds 1–72 in WO 908 comprise TBL-linker-LBL combination designs derived from AbbVie BTK Degradation Trade Secret TBL-linker-LBL combination designs (trade secret type (vi)) and related confidential information Liu learned about and had access to while working on AbbVie's BTK degrader program.

175. In addition to the trade secret types (i)–(vi) discussed above that appear in WO 908, the general discussion, synthesis, and overall disclosures of WO 908 also reflect misappropriation of AbbVie BTK Trade Secret types (vii), (viii), and (ix), described above in Paragraph 53.

176. Defendants used AbbVie BTK Degradation Trade Secrets and related confidential information to develop the subject matter of and file the application published as WO 908 and related applications without AbbVie's authorization.

* * *

177. Together, WO 103, WO 070, WO 071, WO 052, WO 907, and WO 908 constitute the Disputed Patent Filings. BeiGene filed each of the Disputed Patent Filings without permission from AbbVie to disclose the AbbVie BTK Degradation Trade Secrets and confidential information.

178. Based on common industry practices of seeking patent coverage over clinical trial candidates, BGB-16673 is within the scope of the Disputed Patent Applications.

179. Liu's unauthorized use and disclosure of the AbbVie BTK Degradator Trade Secrets and related confidential information, and BeiGene's misappropriation of such information by filing multiple patents disclosing AbbVie BTK Degradator Trade Secrets and confidential information without AbbVie's permission deprived AbbVie of its intellectual property and its ability to commercialize, protect, or have exclusive use of its intellectual property as AbbVie saw fit. Indeed, in or around March 2022, when AbbVie's BTK degrader program reached a certain point, AbbVie chose to file patent applications selectively disclosing and claiming certain of the AbbVie BTK Degradator Trade Secrets as patentable subject matter.

180. BeiGene's patent publications, while disclosing different examples of the AbbVie BTK Degradator Trade Secrets as compared to AbbVie's patent applications, among other things, deprived AbbVie of its ability to maintain the secrecy of certain of the AbbVie BTK Degradator Trade Secrets at its choosing.

Liu Violated His Obligations to AbbVie

181. Liu had an obligation to maintain the secrecy and confidentiality of the AbbVie BTK Degradator Trade Secrets and related confidential information, which obligation continued even after his employment at AbbVie ended.

182. Defendants conspired to have Liu violate, and Liu did intentionally violate, his obligation to maintain the secrecy of AbbVie's trade secret and confidential information by disclosing the AbbVie BTK Degradator Trade Secrets and related confidential information to BeiGene without authorization from AbbVie and by purporting to assign to BeiGene, also without authorization from AbbVie, inventions that are owned by AbbVie.

183. BeiGene (Beijing) and BeiGene, Ltd. conspired with Liu to violate, and Liu did violate, his obligation to maintain the secrecy of AbbVie's trade secret and confidential information by disclosing the AbbVie BTK Degradator Trade Secrets and related confidential information to BeiGene and the world without authorization from AbbVie and by disclosing, disseminating, and publishing the AbbVie BTK Degradator Trade Secrets and related confidential information, also without authorization from AbbVie, and claiming it as their own.

Defendants Conspired Against AbbVie

184. Defendants knowingly conspired and planned together to misappropriate the AbbVie BTK Degradator Trade Secrets and related confidential information and for Liu to violate his confidentiality obligations to AbbVie as alleged herein for the purpose of stealing and using the AbbVie BTK Degradator Trade Secrets and related confidential information for Defendants' gain.

185. Each of the Defendants agreed to so conspire and did so conspire in committing the acts alleged herein, and acted in concert with each other, coming to a mutual understanding to accomplish a common and unlawful plan, and causing damages to AbbVie, all according to proof.

186. As a direct, foreseeable, and proximate result of Liu's violation and Defendants' misappropriation, AbbVie has suffered and continues to suffer the loss and unauthorized use of its intellectual property in an amount to be proven at trial, for which AbbVie is entitled to compensation.

187. As a result of said conspiracy, each of the Defendants is rendered responsible as joint tortfeasors for all damages ensuing from the wrongs alleged herein, irrespective of whether or not they were direct actors and regardless of the degree of their personal activity.

FIRST CAUSE OF ACTION

Misappropriation of Trade Secrets Under the Defend Trade Secrets Act

Against All Defendants

(18 U.S.C. § 1836, *et seq.*)

188. AbbVie incorporates by reference the allegations contained in Paragraphs 1–187 as though fully set forth herein.

189. AbbVie is the owner of the AbbVie BTK Degradation Trade Secrets, including designs for chemical structures and compounds, formulations, processes, experimental results, experimental data, and scientific discoveries, as described above, that constitute “trade secrets” within the meaning of 18 U.S.C. § 1839(3).

190. The AbbVie BTK Degradation Trade Secrets were developed as part of AbbVie’s operation and business and comprise valuable competitive information.

191. Such trade secrets are related to a product or service that is used in or intended for use in interstate or foreign commerce. Specifically, the AbbVie BTK Degradation Trade Secrets are related to pharmaceutical products, medical treatments, medical therapies, and other medical services, such as BTK degradation pharmaceutical products and services, that are or are intended to be used, sold, shipped, and/or ordered in interstate and/or foreign commerce. Indeed, the AbbVie BTK Degradation Trade Secrets are incorporated in and/or otherwise related to AbbVie’s BTK degradation clinical candidate ABBV-101, which is presently involved in an ongoing Phase 1 clinical trial. ABBV-101 and other potential AbbVie pharmaceutical drug candidates incorporating and/or otherwise related to the AbbVie BTK Degradation Trade Secrets are intended to be used as medical treatments across the globe, once approved by the FDA and foreign regulatory agencies.

192. In addition, the Disputed Patent Filings and clinical candidate BGB-16673 indicate BeiGene's use and intent to use the AbbVie BTK Degradar Trade Secrets in interstate and/or foreign commerce.

193. AbbVie has continued to develop and has used and still uses the AbbVie BTK Degradar Trade Secrets to inform and develop valuable solutions, products, and processes.

194. AbbVie expended considerable time and resources in developing the AbbVie BTK Degradar Trade Secrets, as well as its products and processes that incorporate that trade secret information, such as ABBV-101.

195. At all relevant times, AbbVie has taken reasonable measures to limit and restrict others from knowing, ascertaining, or using the AbbVie BTK Degradar Trade Secrets, including by limiting access to sensitive information, requiring employees and contractors to sign agreements prohibiting use and disclosure of such information outside AbbVie, protecting files and information from unauthorized access, restricting access and providing physical security at AbbVie's facilities and storage sites, and requiring the return of sensitive materials upon termination of agreements, and as set forth further above in Paragraphs 69–90.

196. The AbbVie BTK Degradar Trade Secrets are important to AbbVie's business success, and they derive independent economic value from not being generally known to, and not being readily ascertainable through proper means (such as reverse engineering, independent derivation, or any other lawful means of acquisition) by, another person who can obtain economic value from their disclosure or use.

197. AbbVie's protection of the AbbVie BTK Degradar Trade Secrets prevents competitors from being able to copy AbbVie's products and methods or gain an unfair competitive advantage over AbbVie.

198. Defendants have misappropriated the AbbVie BTK Degradar Trade Secrets.

199. Defendants stole without authorization from AbbVie (Liu) and acquired without authorization from AbbVie (BeiGene Defendants) the AbbVie BTK Degradar Trade Secrets through the conduct alleged above, and all Defendants used and disclosed such trade secrets without authorization from AbbVie to unfairly advance the development of BeiGene's BTK degrader products, patents, and technology to AbbVie's detriment.

200. Liu stole the AbbVie BTK Degradar Trade Secrets and disclosed them to BeiGene without AbbVie's knowledge or authorization and in violation of Liu's duty to maintain secrecy of the trade secrets.

201. Liu used and disclosed the AbbVie BTK Degradar Trade Secrets through improper means, including, but not limited to, violating his obligation to maintain the secrecy of AbbVie's trade secrets, to which he had access pursuant to and exclusively as a condition of his ongoing employment by AbbVie, and knowing or having reason to know that his knowledge of the trade secrets was acquired under circumstances giving rise to a duty to maintain the secrecy of the trade secrets both during and after his employment with AbbVie.

202. Based on industry standards and practices (and their own practices) regarding trade secrets and confidentiality in the drug development space, and based on the BeiGene Defendants' knowledge of Liu's role and responsibilities to AbbVie as AbbVie's Senior Research Scientist on its BTK degrader program and BeiGene's recruitment of Liu, BeiGene, Ltd. and BeiGene (Beijing) knew, reasonably had reason to know, or were willfully blind to the fact that they acquired the AbbVie BTK Degradar Trade Secrets from Liu without authorization from AbbVie and thus by improper means, and that Liu and/or BeiGene employees and affiliates were using the AbbVie

BTK Degradation Trade Secrets in BeiGene's BTK program in contravention of Liu's duty of confidentiality to AbbVie.

203. The BeiGene Defendants knew or had reason to know that Liu and/or other BeiGene scientists did, in fact, use and disclose the AbbVie BTK Degradation Trade secrets in connection with BeiGene's BTK degradation program, at least in part due to the change of direction in the Disputed Patent Applications as compared to WO 018.

204. Additionally, when the BeiGene Defendants investigated the inventorship and circumstances surrounding the design and development of the BTK degradation structures disclosed in the Disputed Patent Applications, they learned or were willfully blind to the fact that BeiGene scientists did not independently develop those BTK degradation structures, but instead that the BTK degradation structures disclosed and claimed were copied or derived from the AbbVie BTK Degradation Trade Secrets that BeiGene obtained from Liu.

205. Defendants used and disclosed, without AbbVie's knowledge or consent, the AbbVie BTK Degradation Trade Secrets by, among other things, using them to develop patent applications and BeiGene's BTK degradation clinical candidate (BGB-16673), and publicly disclosing them in patent applications. Indeed, the BeiGene Defendants' Disputed Patent Filings are based on and derived from the AbbVie BTK Degradation Trade Secrets and constitute improper use and disclosure of the AbbVie BTK Degradation Trade Secrets.

206. Acts in furtherance of Liu's misappropriation, were committed in the United States including, but not limited to: (i) stealing the AbbVie BTK Trade Secrets from AbbVie in the United States; (ii) conducting United States-based clinical trials of a BTK degradation derived from misappropriation of the AbbVie BTK Degradation Trade Secrets; (iii) making submissions to the United States FDA relating to the misappropriation of the AbbVie BTK Degradation Trade Secrets;

and (iv) filing, prosecuting, and maintaining patent applications in the United States and/or PCT applications designating the United States that are based on and derived from the AbbVie BTK Degradar Trade Secrets, all of which constitute improper use and disclosure of the AbbVie BTK Degradar Trade Secrets.

207. Acts in furtherance of BeiGene, Ltd.'s misappropriation were committed in the United States including, but not limited to: (i) identifying, communicating with, recruiting, and hiring Liu in the United States; (ii) conducting of United States-based clinical trials of a BTK degrader derived from misappropriation of the AbbVie BTK Degradar Trade Secrets; (iii) making of submissions to the United States FDA relating to the misappropriation of the AbbVie BTK Degradar Trade Secrets; and (iv) filing, prosecuting, and maintaining patent applications in the United States and/or PCT applications designating the United States that are based on and derived from the AbbVie BTK Degradar Trade Secrets, all of which constitute improper use and disclosure of the AbbVie BTK Degradar Trade Secrets.

208. Acts in furtherance of BeiGene (Beijing)'s misappropriation were committed in the United States including, but not limited to: (i) identifying, communicating with, recruiting, and hiring Liu in the United States; (ii) conducting of United States-based clinical trials of a BTK degrader derived from misappropriation of the AbbVie BTK Degradar Trade Secrets; (iii) making submissions to the United States FDA relating to the misappropriation of the AbbVie BTK Degradar Trade Secrets; and (iv) filing, prosecuting, and maintaining patent applications in the United States and/or PCT applications designating the United States that are based on and derived from the AbbVie BTK Degradar Trade Secrets, all of which constitute improper use and disclosure of the AbbVie BTK Degradar Trade Secrets.

209. Defendants' conduct constitutes misappropriation of trade secrets under 18 U.S.C. § 1839.

210. AbbVie has been and continues to be harmed by Defendants' misappropriation of the AbbVie BTK Degradator Trade Secrets. AbbVie thus seeks compensatory damages and equitable relief.

211. Defendants' actions have caused and will continue to cause AbbVie to suffer severe competitive injury, irreparable harm, and significant damages in an amount to be proven at trial. As the direct and proximate result of such misappropriation, AbbVie has suffered, among other things, damage within the meaning of 18 U.S.C. § 1836(b)(3)(B) in an amount that is yet unknown. If Defendants' conduct is allowed to continue unchanged, AbbVie will continue to suffer irreparable injury and significant damages, including damages that may result from BeiGene's commercialization of BGB-16673.

212. Because AbbVie's remedy at law is inadequate to compensate for the disclosure of the AbbVie BTK Degradator Trade Secrets, AbbVie also seeks equitable relief.

213. AbbVie is entitled to injunctive relief pursuant to 18 U.S.C. § 1836(b)(3)(A) and seeks appropriate, just injunctive relief to recover and protect its trade secret and confidential information and to protect its other legitimate business interests, including an injunction against (i) Defendants' further prosecution of any patent applications that Defendants have filed or will file based on the AbbVie BTK Degradator Trade Secrets; and (ii) Defendants' further development of any BTK degrader that uses or is derived from AbbVie's trade secrets or confidential information.

214. In addition, BeiGene has been unjustly enriched as a direct and proximate result of its misappropriation of the AbbVie BTK Degradator Trade Secrets, within the meaning of 18 U.S.C.

§ 1836(b)(3)(B)(i)(II) in an amount that is yet unknown. Among other things, BeiGene has used the AbbVie BTK Degradator Trade Secrets to accelerate its BTK degrader program and enter clinical trials with drug candidates using the AbbVie BTK Degradator Trade Secrets.

215. In lieu of damages measured by any other methods, pursuant to 18 U.S.C. § 1836(b)(3)(B)(ii), AbbVie is entitled to damages measured by imposition of a reasonable royalty to compensate for Defendants' misappropriation of the AbbVie BTK Degradator Trade Secrets.

216. Defendants' misappropriation of trade secrets was willful and malicious, entitling AbbVie to recover exemplary damages and its reasonable attorneys' fees. 18 U.S.C. § 1836(b)(3)(C), (D).

217. Pursuant to the Court's inherent powers and pursuant to 18 U.S.C. § 1836(b), AbbVie asks the Court to provide any additional relief appropriate to remedy Defendants' misappropriation of trade secrets, including the assignment to AbbVie of the Disputed Patent Filings and any other patent applications or patents purportedly assigned to BeiGene that disclose, claim, or were based on or derived from any of the AbbVie BTK Degradator Trade Secrets, including assigning to AbbVie any amendments, continuations, and United States or foreign counterparts thereto.

SECOND CAUSE OF ACTION

Declaratory Judgment

Against All Defendants

(28 U.S.C. § 2201)

218. AbbVie incorporates by reference the allegations contained in Paragraphs 1–217 as though fully set forth herein.

219. There exists an actual, ripe, and justiciable controversy between AbbVie and Defendants regarding each party's rights and interests in connection with the ownership of

discoveries, inventions, and pending patent applications that incorporate, disclose, claim, or use misappropriated AbbVie trade secrets or confidential information as well as any and all related patent applications that Defendants have filed or will file based on such trade secrets and confidential information.

220. As described above, Liu had access to, and did access, the AbbVie BTK Degradator Trade Secrets and related confidential information while employed by AbbVie.

221. BeiGene (Beijing) knew Liu had access to the AbbVie BTK Degradator Trade Secrets and related confidential information.

222. BeiGene hired Liu into BeiGene (Beijing)'s Department of Chemistry as an Executive Director to work on BeiGene's BTK degrader program, fully knowing and intending that Liu would use the AbbVie BTK Degradator Trade Secrets and related confidential information to advance BeiGene's BTK degrader program and patent filings, including the Disputed Patent Filings.

223. Liu fulfilled BeiGene's intentions by disclosing AbbVie's BTK degrader inventions, discoveries, improvements, and innovations to BeiGene, in violation of his obligations to AbbVie to maintain their secrecy. Defendants disclosed some of these discoveries and inventions without authorization from AbbVie in WO 103, WO 070, WO 071, WO 052, WO 907, and WO 908.

224. Based on common patent practice, there may be pending, unpublished patent applications that also disclose and/or are based on the AbbVie BTK Degradator Trade Secrets or other AbbVie discoveries, inventions, improvements, and innovations.

225. Defendants also used the AbbVie BTK Degradator Trade Secrets and related confidential information without authorization from AbbVie in BeiGene's development program

including to derive further inventions, improvements, and discoveries that Defendants disclosed and claimed in the Disputed Patent Filings.

226. Pursuant to Liu's obligations to AbbVie as an AbbVie employee with access to the AbbVie BTK Degradar Trade Secrets and confidential information, AbbVie is the legal and/or equitable owner of inventions and discoveries disclosed in the Disputed Patent Filings.

227. As a result of the conduct and events described in detail above, AbbVie has legal and/or equitable ownership and/or other property interests in (i) the Disputed Patent Filings inconsistent with and superior to any interest claimed by any of the Defendants and without being subject to any license purportedly granted by BeiGene; and (ii) any BTK degrader being developed by Defendants that uses or is derived from AbbVie's trade secrets or confidential information.

228. Due to Defendants' misconduct in acquiring, using, and disclosing the AbbVie BTK Degradar Trade Secrets and confidential information, Defendants have forfeited any competing interest in the Disputed Patent Filings as well as in any BTK degrader that uses or is derived from AbbVie's trade secrets of confidential information.

229. AbbVie's ownership and related interests include sole or joint legal and equitable ownership of the Disputed Patent Filings and any related patents, patent applications, continuations, and foreign or United States counterparts thereof that Defendants have or will file or claim, as well as any BTK degrader that uses or is derived from AbbVie's trade secrets of confidential information. Any license to any of these intellectual property or product rights purportedly granted by BeiGene is null and void *ab initio*. The Court should so declare pursuant to 28 U.S.C. § 2201.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AbbVie prays for judgment against Defendants as follows:

1. Judgment in AbbVie's favor against Defendants on all causes of action alleged herein;
2. Damages according to proof in an amount to be determined at trial, including damages AbbVie may incur as a result of BeiGene's commercial sales of BGB-16673;
3. Exemplary damages in view of the willful and malicious misappropriation of AbbVie's trade secret information in an amount to be determined at trial;
4. A declaration that AbbVie possesses legal and/or equitable ownership, or alternatively co-ownership, and interest in the Disputed Patent Filings, and all related patents, patent applications, continuations, and derivatives thereto, inconsistent and superior to any interest asserted by Defendants, including, but not limited to, PCT/CN2021/079882 (published as WO 2021/180103); PCT/CN2021/090898 (published as WO 2021/219070); PCT/CN2021/090900 (published as WO 2021/219071); PCT/CN2022/100017 (published as WO 2022/268052); PCT/CN2022/143835 (published as WO 2023/125907); and PCT/CN2022/143837 (published as WO 2023/125908); and that any license to any of these rights purportedly granted by BeiGene, Liu, or anyone affiliated with them is null and void *ab initio*;
5. Entry of an order that all right, title, and interest in the Disputed Patent Filings, and all related patents, patent applications, continuations, and

derivatives thereto, be assigned or otherwise transferred to or declared owned by AbbVie;

6. Injunctive relief, including permanent injunctive relief (i) requiring Defendants, and any other individuals and entities acting in concert with them, to return all of AbbVie's trade secrets and confidential information; (ii) requiring Defendants to disclose and assign to AbbVie any and all inventions, including all pending patent applications and issued patents, of which AbbVie is the rightful owner or which contain or are derived from AbbVie's trade secrets or other confidential information; (iii) prohibiting Defendants from using AbbVie's trade secrets, confidential information, and inventions without AbbVie's consent; (iv) enjoining Defendants from further prosecution of the Disputed Patent Filings and all related patents, patent applications, continuations, and derivatives thereto, without AbbVie's consent and control, of which AbbVie is the rightful owner or which contain or are derived from AbbVie's trade secrets or confidential information; and (v) prohibiting Defendants from further development of any BTK degrader that uses or is derived from AbbVie's trade secrets or confidential information.
7. A declaration that AbbVie possesses the right to prosecute the Disputed Patent Filings, and all related patent applications, continuations, and derivatives thereto;
8. A declaration that Defendants misappropriated the AbbVie BTK Degradator Trade Secrets;

9. Restitution of all property, profits, or other benefits wrongfully acquired;
10. Attorneys' fees and costs incurred by virtue of the dispute;
11. Pre-judgment and post-judgment interest at the maximum rate allowed by law; and
12. Such other and further relief as AbbVie may be entitled to or the Court may deem proper.

Dated: September 6, 2024

/s/ John M. Michalik

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DEMAND FOR A JURY TRIAL

Plaintiff AbbVie Inc. respectfully requests a jury trial in this action on all issues so triable.

Dated: September 6, 2024

/s/ John M. Michalik

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